

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Michael J. Fitzpatrick

v.

Civil No. 04-cv-224-JD

Rockingham County Department
of Corrections, et al.

O R D E R

Plaintiff moves for a copy of the file in this case. Apparently the plaintiff's file disappeared somewhere in his move from the Berlin prison to SHU in Concord, a move that apparently took place in early August. The disappearance of a prisoner's legal files is an all too familiar occurrence within the state prison.

Defendants seek discovery sanctions for plaintiff's failure to provide timely responses to discovery requests sent to plaintiff in July. Defendants followed up with a letter on August 30, 2005. However, if that letter was sent to Berlin the likelihood is that it never was received by plaintiff and would not have been returned to counsel by Berlin authorities.

Defendants are entitled to their requested discovery and plaintiff is entitled to copies of this file. Plaintiff's motion (document no. 28) and defendants' motion (document no. 26) are

granted as follows and otherwise denied:

Defendants are ordered to provide a complete copy of documents filed in this case within ten (10) days except the photographs held here as evidence. Plaintiff is ordered to serve full answers to defendant's interrogatories upon defense counsel within thirty (30) days thereafter. The deadline to file motion(s) for summary judgment is extended to December 15, 2005.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: September 29, 2005

cc: Michael J. Fitzpatrick, *pro se*
Charles P. Bauer, Esq.